

89-842

No. _____

Supreme Court, U.S.
FILED
NOV 7 1989
JOSEPH F. SPANIOLO, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1989

CLARA L. BROCK,
Petitioner

V.

J. FREEDLEY HUNSICKER, JR., et al.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS OF THE THIRD CIRCUIT

CLARA L. BROCK,
Pro Se
P.O. Box 246
Oxford, PA. 19363
(215) 932-3769
(for Petitioner)

4404



QUESTIONS PRESENTED

1. Whether a pro se litigant complaining of the respondents corrupting the judicial system and the judges surrendering judicial power in the state court in Chester County, Pennsylvania (all of this in order to deprive the petitioner of her constitutional right of full access to that court) can be deprived of full access to the U.S. District Court by the federal judge protecting the respondents by dismissing all the counts in the petitioner's amended complaint.

2. Whether the U.S. District Court judge committed errors and abuse of discretion to protect the respondents when he wrongfully dismissed the counts in the petitioner's amended complaint for statute of limitations, res judicata, and frivolous.

3. Did Court of Appeals seriously and truly review the pro se litigant's appeal, would it have sanctioned District Court's way of dismissing the issue of respondents corrupting the judicial system.



LIST OF PARTIES

Petitioner/Plaintiff

Clara L. Brock

Respondents/Defendants

J. Freedley Hunsicker, Jr., Esq.

Drinker Biddle & Reath

Joseph F. Wusinich, III, Esq.

Wusinich and Brogan

E. Craig Kalemjian, Esq.

Justin J. McCarthy, Esq.

William H. Lamb, Esq.

Lamb Windle & McErlane PC

David 'Skip' Galloway, Esq.

Lawrence Lohr

Common Pleas Court

Donald L. Mullett

Lincoln University

John E. Quinn, Esq.

Don A. Innamorato, Esq.

Reed Smith Shaw & McClay

James T. Owens, Esq.

Owens, D'Ambrosio & Nescio



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TABLE OF AUTHORITIES

A. Statutes

1. Federal

28 U.S.C. 1254 (1).....1

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2. Pennsylvania

42 Pa.Cons. Stat.Ann.Sec.5524..8,7a

B. Constitutional Provisions

1.Federal

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Cases

Benoit Joseph v. Hess Oil et al.

No. 88-3039,U.S.Court of Appeals

for the Third Circuit on Appeal

from the U.S.Virgin Island (St.

Croix)(D.C.Civil Action No.86-

0089).Argued December 6,1988

(filed Feb.9,1989)..... 8,9, 11

Drum v. Nasuti,648 F.Supp. 888

(E.D. Pa. 1986).....9,10a

Purter v. Heckler,771 F.2d

682 (1985).....10,8a,9a



OPINIONS BELOW

The judgment order of the Court of Appeals for Third Circuit is not reported here but is reproduced at pages 1a-2a of the Appendix along with the sur petition for rehearing on pages 3a-4a. The memorandum and order of the U.S. District Court is not reported here but is set forth in pages 5a-20a of the Appendix.

JURISDICTION

The judgment order of the Court of Appeals, third circuit, was entered July 26, 1989. The petition for rehearing was denied on August 17, 1989. The U.S. District Court, eastern district, had jurisdiction over the case pursuant to 28 U.S.C. section 2201, 2202, 1331 and 1343. This Court has jurisdiction under 28 U.S.C. 1254 (1). This petition for writ of certiorari is considered filed as of November 7, 1989.



CONSTITUTIONAL PROVISIONS

1. Amendment VII

"In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law."

2. Amendment VI

"...and to have the assistance of counsel for his defense."



STATEMENT OF THE CASE

The Petitioner Brock has been denied full access to the federal and state courts because she is a pro se litigant and because the Respondents used 'influence peddling' and collusion to have judges prevent Brock's cases from going to jury trial.

The sixth amendment to the United States constitution grants that there can be counsel but does not require that there must be counsel, but each time Brock has tried to use the federal and state courts she has been denied full access.

The seventh amendment to the United States constitution grants a jury trial but Brock has been denied a jury trial in each case she has tried to have heard in federal or state court.

Brock began her legal action by hiring and paying attorneys to represent



her. She first hired William H. Lamb and E. Craig Kalemjian. Brock found out much later that Lamb and the defendant's attorney, J. Freedley Hunsicker, Jr. met and agreed that William H. Lamb would not represent Brock. They agreed to send Brock to a friend of Hunsicker's. Brock was not properly represented. Brock did not know about the respondents' activities until January of 1987 even though the events took place earlier.

Brock hired and paid two more different lawyers Joseph F. Wusinich, III, and later James T. Owens. These attorneys also worked with the defendant's attorney, J. Freedley Hunsicker, Jr. and against their client, Brock.

Brock was forced to become a pro se litigant when additional grievances at the workplace were not permitted to be resolved at the workplace by first attorney J. Freedley Hunsicker, Jr. and now by attorney Richard H. Glanton, who



would get excessive legal fees for litigation from Lincoln University's state and federal funds.

When Brock went into the Common Pleas Court, Chester County, Pennsylvania, attorneys J. Freedley Hunsicker, Jr., William H. Lamb and Richard H. Glanton used 'influence peddling' to get the judges to dismiss the cases; their first contact was the staff attorney because the pro se cases are turned over to staff attorneys. The attorneys have been able to 'influence peddle' and get the judge to dismiss each case on almost any pretense.

The judges were used by the attorneys to dismiss each case to avoid having the cases go to jury trial which Brock has demanded. These attorneys have also used 'influence peddling' in the appeals courts where through the staff attorneys they have been able to select the



judges and to dictate that they want the lower court decision affirmed.

Brock tried to use the state courts in several cases. Each time Brock was deprived of her right to jury trial and to use the courts in Pennsylvania because of the respondents 'influence peddling' and because she is a pro se litigant.

This petition is based on a case Brock filed in U.S.District Court, Eastern District of Pennsylvania on August 23, 1988, District Court docket no. 88-6488.

This is a civil rights action instituted by Brock and brought under 42 U.S.C. section 1983. The U.S.District Court had jurisdiction over the case pursuant to 28 U.S.C. section 2201, 2202, 1331 and 1343.

Brock has a right to have a trial by jury in a civil case and to represent herself. Each of the respondents/defendants in the U.S.District Court case no.



88-6488 deprived Brock of her right to a jury trial, access to the state courts, and to represent herself, and at the same time they were using 'influence peddling' and conspiring against Brock with the staff attorneys and judges. In each count they acted under color of state law.

Petitioner Brock went into U. S. District Court expecting the proper legal procedure to be followed and to get a fair and neutral jury trial, even though she is a pro se litigant. Unfortunately, the U.S. District Court Judge and his staff attorney succumbed to the 'influence peddling' by the respondents. The judge dismissed the case because the respondents asked him to dismiss the pro se litigants case, but he gave other reasons for the dismissal.

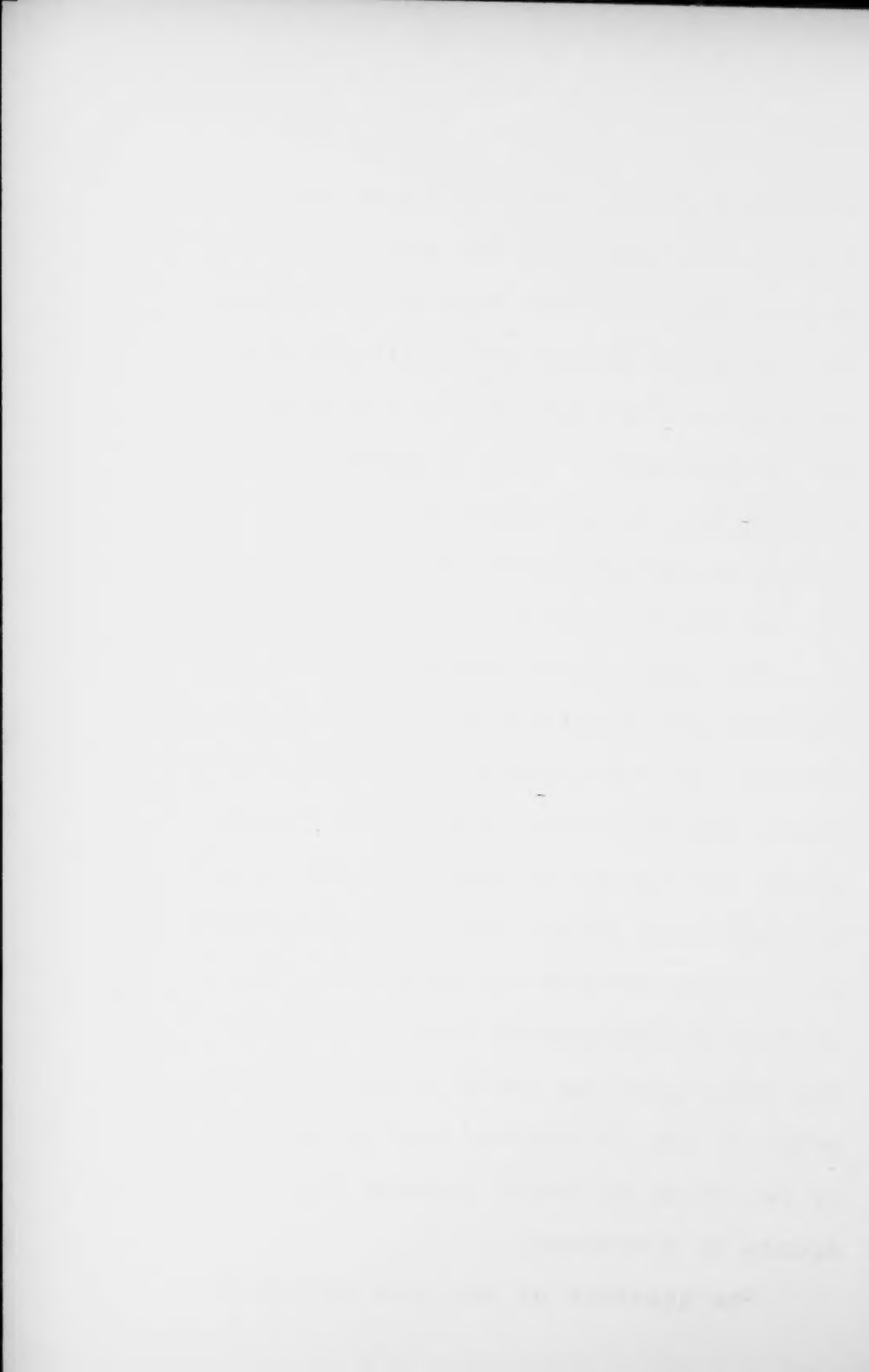
The District Court judge made a procedural error and mistake of law when he applied the two-year statute of



limitation, 42 Pa. Cons. Stat. Ann. Sec. 5524, to the counts in the amended complaint. The discovery rule would suspend the statutory period until the petitioner Brock knows that she has been injured by the respondents' conduct. Benoit Joseph v. Hess Oil, et al. case number 88-3039 (filed by United States Court of Appeals for the third circuit on February 9, 1989).

The respondents concealed their activities and Brock did not know until January 1987 that Judge Smith, David Galloway, and the other respondents conspired and agreed to prevent Brock from having a jury trial. The respondents did not contest Brock's statement that the statute of limitations does not apply. The judge gave his order on March 7, 1989 prior to the 13 days allowed by Rule 20 of Pa. Rules of Court, Federal for response to pleadings.

The question of the date on which



Brock knew that the respondents actions had caused her injury is a genuine issue of fact for trial which the jury must be permitted to decide. Benoit Joseph v. Hess Oil, et al. case number 88-3039 (filed by United States Court of Appeals for the third circuit of February 9, 1989).

The District Court Judge made an error of law in applying res judicata and/or collateral estoppel in counts 7, 12, 39 because not one of the causes of action in any of the petitioner Brock cases has ever been decided on its merits; these are different causes of action. The witnesses and facts are different. The documents are different. There was no opportunity for full and fair litigation of the issues in prior action. Res judicata and/or collateral estoppel can not be applied to any count in this case. Drum v. Nasuti, 648 F.Supp. 888 (E.D. Pa.

1872

1986); Purter v. Heckler, 771 F.2d 682 (1985).

The nonsuit was granted to the defendants in Brock v. Owens, 85-02441 by Judge Smith. The petitioner Brock had asked Judge Smith to remove himself from the case because he had been the judge in the case where he allowed the defendants to commit the legal malpractice and because he was a close friend of the defendants. But he refused. The respondents have always arranged a way to prevent Brock's causes of action from being decided by a jury.

The District Court Judge through abuse of discretion dismissed 12 counts because the petitioner's lawsuits did not go to trial, and he blamed it on the petitioner. The respondents corrupted the judicial system.

The District Court judge made an



erroneous finding of fact that the reason for dismissal of the lawsuits were attributable to the plaintiff and that therefore those 12 counts were frivolous. The petitioner Brock demanded a jury trial to decide the facts in the district court case 88-6488. When a jury trial is demanded, the jury must be allowed to decide the facts. "The district court cannot weigh the evidence and determine the truth of the matter..."(or liability(added)). Benoit Joseph v. Hess Oil No.88-3039 (filed U.S.Court of Appeals for the Third Circuit on February 9,1989).

The respondents asked the district court judge to protect them and to keep them from going to jury trial, and the judge conveniently dismissed the counts against them by using the word frivolous.

The District Court Judge also erred in dismissing six counts, counts 24 and



31-35, in the amended complaint concerning a Common Pleas Court case which is frozen between courts but which he refers to as alive. The Common Pleas Court judge Gavin granted a partial summary judgment to the defendants and then told the plaintiff that she could not go to trial on the count not dismissed unless she first agreed not to appeal the counts wrongfully dismissed from the complaint. The counts wrongfully dismissed have merit and are important to the plaintiff's life and livelihood and she wants to appeal, which is her right, but the case is frozen between courts because the partial summary judgment is interlocutory and non-appealable, and the common pleas court judge Gavin will not permit the plaintiff to go to trial on the remaining count which has merit. Gavin is trying to force the plaintiff to give up her right to appeal counts wrongfully dis-



missed in order to go to jury trial on a count that has merit. This is what the district court judge is calling alive.

The petitioner has filed charges against the respondents with the disciplinary board but the respondents know the 'right' people there, too and no action has been taken against them.

The case was appealed in a timely fashion to the U.S. Court of Appeals for the third circuit. That court affirmed the lower court and denied rehearing August 17, 1989.

All of these errors and abuses by the U.S. District Court judge were to be reviewed by the U.S. Court of Appeals, but that court affirmed the U.S. District Court without review because the litigant was a pro se litigant and because of the respondents' contacts at the U.S. Court of Appeals. If the U.S. Court of Appeals had seriously and truly reviewed the pro



se litigants appeal they would not have sanctioned the U.S.District Court judge's way of dismissing the issue of respondents corrupting the judicial system.

REASONS FOR GRANTING THE WRIT

The issues raised in this case are far reaching and are fundamental to a fair and neutral judicial system. The pro se litigant must be given a fair and neutral hearing of the complaint and a jury trial in the judicial system.

Judges who do not respect pro se litigants create disrespect for the whole judicial system. They allow attorneys to violate the rules of civil procedure. They force additional litigation. Issues which could be resolved in one lawsuit and are not, leave the conditions and lay the ground for additional lawsuits.

The United States Supreme Court must remind the judicial community that



the constitution grants pro se litigants the right to be in court without counsel and that it will not tolerate corruption of the judicial system.

The pro se litigant must follow the rules of the court, and the pro se litigant must be treated fairly by the court. The judge can not use unfair techniques to dismiss a case which has merit.

If the courts below know that the U.S. Supreme Court is watching, they will change their behavior toward pro se litigants and corruption and operate under the constitution. This changed behavior will bring more respect to the judicial system by the public and the attorneys.

The Petitioner Brock prays that this Court will not allow the lower courts to ignore the pro se litigant and will try to do away with corruption of the judicial system and will review this case so that the lower courts will be reversed, and



this case can go to jury trial.

CONCLUSIONS

For the foregoing reasons, this
Petition for Certiorari should be
granted.

Respectfully submitted,

Clara L. Brock
Clara L. Brock
P.O.Box 246
Oxford, Pa. 19363
(215) 932-3769
For Petitioner



AFFIDAVIT OF SERVICE

I hereby certify that I have prepared this petition and that I have forwarded true and correct copies to counsel for the appellees at the following address by prepaid first-class mail.

Richard H. Glanton
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Clara L. Brock
Clara L. Brock
P.O. Box 246
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(215) 932-3769

SUBSCRIBED and SWORN to
before me this 3rd day
November, 1989.

Beverly W. Malavolta
Notary Public

NOTARIAL SEAL
BEVERLY W. MALAVOLTA, Notary Public
West Chester Blvd, Chester County, PA
My Commission Expires May 9, 1992

THE
LIBRARY OF THE
MUSEUM OF
ART AND HISTORY
OF THE CITY OF
NEW YORK

VERIFICATION

I, Clara L. Brock, being duly sworn,
certify that I have prepared this ap-
peal, and that the statements contained
herein are true and correct to the best
of my knowledge.

Clara L. Brock
Clara L. Brock, Pro se
P.O.Box 246
Oxford, Pa. 19363
(215)932-3769

SUBSCRIBED and SWORN to
before me this _____ day
of _____, 1989.

Notary Public



APPENDIX



1a

APPENDIX A
IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 89-1223

BROCK, CLARA L.,

Appellant

vs.

HUNSICKER, JR., FREEDLEY, ET AL.,

Appellees

On Appeal from the United States District Court for the Eastern District of Pennsylvania (D.C. Civil Action No. 88-6488)

District Judge: Honorable Clarence C. Newcomer

Submitted June 27, 1989

Before: STAPLETON, SCIRICA, AND GARTH,
Circuit Judges



JUDGMENT ORDER

After consideration of the contentions raised by appellant, it is

ORDERED AND ADJUDGED that the judgment of the district court be and is hereby affirmed.

Costs taxed against appellant.

By the Court,

s/Walter K. Stapleton
Circuit Judge

ATTEST:

s/Sally Mrvos
Clerk

Dated: Jul 26 1989



APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 89-1223

BROCK, CLARA L.,

Appellant

vs.

HUNSICKER, JR., FREEDLEY, ET AL.,

Appellees

SUR PETITION FOR REHEARING

BEFORE: GIBBONS, Chief Judge, HIGGIN-
BOTHAM, SLOVITER, BECKER, STAPLETON,
MANSMANN, GREENBERG, HUTCHINSON, SCI-
RICA, COWEN, NYGAARD, AND GARTH,
Circuit Judges

The petition for rehearing filed
by appellant in the above-entitled case
having been submitted to the judges who
participated in the decision of this



4a

Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition is denied.

By the Court,

s/Walter K. Stapleton
Circuit Judge

Dated: AUG 17 1989



APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Clara L. Brock : CIVIL
v. : ACTION
J. Freedley Hunsicker, Jr., : No. 88-6488
Et Al. : Order filed
Feb. 16, 1989

MEMORANDUM

Newcomer, J. February 15, 1989

Before the court are several motions to dismiss plaintiff's amended complaint filed by various defendants in this matter. For the reasons stated below, the court will dismiss the complaint.

I. Background

The background of the instant litigation was explained by the court in a memorandum dated November 8, 1988 and need not be repeated in its entirety here. In a memorandum and order dated

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November 8, 1988, the court dismissed certain claims of the plaintiff brought under the United States Constitution, the Pennsylvania Constitution, and 42 U.S.C. sec. 1981. Additionally, plaintiff's claims under 42 U.S.C. sec. 1983 were dismissed because of plaintiff's failure to articulate sufficient factual bases to support the conclusory allegations contained therein. The court granted plaintiff leave to amend her complaint, but also advised her that there might exist other bases on which the complaint (or amended complaint) might be dismissed. It is plaintiff's amended complaint which has resulted in the second wave of dismissal motions by the defendants.

II. Plaintiff's Amended Complaint

Plaintiff's twenty-three page amended complaint consists of 107 para-

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graphs and 40 "counts." One defendant has called the amended complaint "verbose and convoluted and the antithesis of directness and precision." Based on its own review, the court finds this to be a fair appraisal of the document. There can be little doubt that the amended complaint violates Fed.R.Civ.P. 8(a)'s directive that pleadings contain "short and plain statements(s)." In spite of this defect, the court will address other issues concerning the amended complaint.

III. Statute of Limitations

The appropriate limitation period for claims brought under 42 U.S.C. sec. 1983 in Pennsylvania is the two-year limitation period provided by 42 Pa. cons. Stat. Ann sec. 5524. Sullivan v. City of Pittsburgh, 811 F.2d 171,180 (3d Cir.) cert. denied, 108 S.Ct. 148 (1987). The



complaint in this action was filed on August 23, 1988. Accordingly, the court will dismiss plaintiff's claims relating to alleged incidents occurring prior to August 23, 1986, as contained in the following counts in the amended complaint: 3-6, 9-11, 14-16, 19-21, 25-26, 30, 36-38.

IV. Res Judicata and Collateral Estoppel

Certain defendants claim that the instant suit is barred by res judicata and or collateral estoppel.

In order to raise successfully the defense of res judicata, the party asserting the defense must demonstrate that (1) there has been a final judgment on the merits in a prior suit; (2) the prior suit involves the same parties or their privies; and (3) the subsequent suit is based on the same causes of action. Pur-
v. Heckler, 771 F.2d 682, 690 (3d Cir.



1985). The Third Circuit has suggested three considerations relevant to the inquiry into whether there is identity of causes of action:

(1) whether the acts complained of and the demand for relief are the same that is, whether the wrong for which redress is sought is the same in both actions; (2) whether the theory of recovery is the same; (3) whether the witnesses and documents necessary at trial are the same (that is, whether the same evidence necessary to maintain the second action would have been sufficient to support the first); and (4) whether the material facts alleged are the same.

Purter, 771 F.2d at 690(citation omitted).

Collateral estoppel bars litigating a claim if the following criteria are met:

(1) the issue decided in the prior adjudication is identical with the one presented in the later action; (2) there



is a final judgment on the merits; (3) the party against whom the doctrine is asserted was a party or a privy with a party to the other action; (4) the party against whom it is asserted had a full and fair opportunity to litigate the issues in question in the prior action; and (5) the issue decided was essential to the judgment. Drum v. Nasuti. 648 F. Supp. 888,987-98(E.D. Pa. 1986) (citation omitted).

I will now address the application of these doctrines to various counts of plaintiff's amended complaint.

A. Claims Related to Brock v. Owens, No. 85-02441

In Brock v. Owens, No.85-02441(C.P. Chester County), plaintiff brought suit against defendants Owens, Wusinich, and Kalemjian. In that suit, she claimed that these three had committed legal malpractice and had conspired among one



another and agreed with counsel for Lincoln University to "not win her case" against the University. See Defendant Wusinich's Motion to Dismiss(original) Complaint, Exhibit A at 6(f),7(d),and 8(f) (plaintiff's complaint in Brock v. Owens). At a jury trial,the attorney defendants moved for a compulsory nonsuit at the close of plaintiff's case, which motion was granted. Upon denial of her petition for removal of the nonsuit, plaintiff appealed to the Pennsylvania Superior Court. After a complete and through review of the proceedings below, the Superior Court concluded that plaintiff had failed to establish her cause of action and affirmed the lower court's grant of a nonsuit. Brock v. Owens, 367 Pa. Super. 324, 532 A.2d 1168 (1987).

After comparison of the plaintiff's amended complaint filed in Brock v. Owens



the court finds that the allegations presently asserted against defendants Owens, Wusinich, and Kalemjian are identical, for purposes of res judicata, to those previously asserted and disposed of in Brock v. Owens. In addition, the court finds that the nonsuit against the plaintiff in Brock v. Owens constitutes a final judgment on the merits, and that the prior suit involves the same parties now involved in the instant matter. Based on these findings, the court concludes that res judicata bars the following counts of plaintiff's amended complaint: 7, 12, and 19. Therefore, plaintiff's claims relating to those counts will be dismissed.

Plaintiff also asserts additional claims against defendants Hunsicker, Wusinich, Kalemjian, McCarthy, Lamb, and Lohr, and Mullett relating to the dismissal of Brock v. Owens. Because the



reasons for dismissal of that suit clearly were attributable to plaintiff herself, see Defendant Wusinich's Motion to Dismiss (original) complaint, Exhibit D (trial court's opinion denying motion to remove nonsuit) and F (Superior Court's decision upholding trial court decision), the court will dismiss as frivolous claims asserted in the following counts: 1,8,13,17,18, 22, 23,27,28, and 40.

B. Claims Related to Brock v. Pierce,
No.87-07564

In Brock v. Pierce, No. 87-07564 (C.P. Chester County), plaintiff brought suit on October 5, 1987, against defendant Mullett and other persons arising out of her employment at Lincoln University. The most recent action taken by the state court in that matter was an order issued June 9, 1988, sustaining defendants' objections to the complaint



granting plaintiff leave to file a third amended complaint. See Hunsicker's Motion to Dismiss (Original) Complaint, Exhibit D (copy of order). Since that time, defendants in that action have filed a fourth set of objections to plaintiff's complaint and are awaiting a ruling by the state court judge on their motion. See Hunsicker's Motion to Dismiss (Original) Complaint at 7.

Because Brock v. Pierce is still "alive" and before the state court, I will dismiss claims asserted by plaintiff in the instant action that relate to Brock v. Pierce. These claims are asserted in counts 24 and 31-35. Principles comity, judicial economy, and efficiency support this decision. Moreover, the state court handling Brock v. Pierce clearly is in the best position to deal with any irregularities alleged



by plaintiff as having an affect
on those proceedings.

C. Claims Related to Brock v. Pierce
No. 86-04148

In Brock v. Pierce, No. 86-04148
(C.P. Chester County), plaintiff brought
suit against fellow professors Donald
Pierce and Deforest Rudd in connection
with the termination of her employment
at Lincoln University. Upon defendant's
"preliminary objections," the Common
Pleas Court dismissed the complaint for
the following reasons: (1) failure to
join indispensable parties, i.e., the
University and its representatives; (2)
the same allegations had been made in
another then-pending lawsuit of Brock's
Brock v. Lincoln University, No. 84-
09156 (C.P. Chester County), dismissed
Oct. 24, 1986, Aff'd, 374 Pa. Super. 637,
538 A.2d 935 (1987); and (3) the com-



plaint did not satisfy the requirement that fraud and civil conspiracy be plead with particularity. Brock v. Pierce, No. 86-04148, slip op. at 1 (C.P. Chester County Aug. 5, 1986). On appeal, the Superior Court affirmed the decision of the trial court, holding that the complaint failed to comply with the pleading requirements of the Pennsylvania Rules of Civil Procedure. Brock v. Pierce, No. 02390 (Pa. Super. Mar. 18, 1987). Because the reasons for dismissal of that suit clearly were attributable to plaintiff herself, the court will dismiss as frivolous claims asserted in counts 2 and 29.

With the dismissal of these two counts, each count contained in plaintiff's amended complaint has been dismissed.

V. Rule 11 Sanctions



Certain defendants have moved pursuant to Fed. R. Civ. P. 11 for the imposition of sanctions against plaintiff in the form of costs and attorneys' fees or, in the alternative, injunctive relief placing limits on the filing of future lawsuits by plaintiff. As noted in the court's memorandum dated November 8, 1988, plaintiff has filed many lawsuits since 1981. Although plaintiff is a pro se litigant, this status does not automatically shield her from the dictates of Rule 11.

As indicated above, the instant suit is being dismissed on grounds that include statute of limitation, res judicata, and frivolousness. While an argument can be made for imposing sanctions upon plaintiff, the court has concluded that sanctions are not appropriate in this instance. It is the full intention of this court, however, that its memo-



random of November 8, 1988, along with this memorandum, place plaintiff on notice that future filings by her that ignore such things as statute of limitations, the effects of prior litigation (i.e., res judicata and collateral estoppel), or that are patently frivolous will not be tolerated by this or any other court system, and will result in the immediate imposition of appropriate sanctions. Furthermore, this discussion and this memorandum sufficiently apprise plaintiff and other courts that may deal with her in the future that she has been sufficiently notified of her obligations under Rule 11 and or similiar state court rules.

An appropriate order follows.

s/Clarence C. Newcomer
Clarence C. Newcomer, J.

ORDER

AND NOW, this 15th day of February,



1989, upon consideration of the various motions and responses thereto, and for the reasons stated in the accompanying memorandum, it is hereby ordered that:

1. Defendants' Motions to Dismiss Plaintiff's Amended Complaint are Granted.

2. The Motion of Defendants' Hunsicker et al. for Rule 11 Sanctions (docket entry no 40) is Denied.

AND IT IS SO ORDERED.

s/Clarence C. Newcomer
Clarence C. Newcomer, J.



APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CLARA L. BROCK

CIVIL

VS.

ACTION

J. FREEDLEY HUNSICKER, JR., CASE NO:

ET AL.

88-6488

ORDER

AND NOW, this 7th day of March,
1989, it is hereby ORDERED that plain-
tiff's motion to reconsider and change
order of February 15, 1989, is denied.

AND IT IS SO ORDERED.

s/Clarence C. Newcomer

Clarence C. Newcomer, J.

Entered: 3/10/89